

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**EYM KING OF MICHIGAN, LLC d/b/a.  
BURGER KING**

**Respondent**

**and**

**CASE 07-CA-118835**

**MICHIGAN WORKERS ORGANIZING  
COMMITTEE**

**Charging Party**

**COUNSEL FOR THE GENERAL COUNSEL'S CROSS-EXCEPTIONS TO  
ADMINISTRATIVE LAW JUDGE'S DECISION**

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Counsel for the General Counsel, pursuant to Section 102.46 (e) of the Board's Rules and Regulations, respectfully submits the following Cross-Exceptions to the Decision of Administrative Law Judge Amchan with Supporting Brief.<sup>1</sup>

## **I. CROSS-EXCEPTIONS**

A. Exception is taken to the ALJ's finding that employee Claudette Wilson worked for the Michigan Worker's Organizing Committee while employed by Respondent's predecessor V&J Enterprises as factually incorrect. (ALJD P 2, L 29-30).

B. Exception is taken to the ALJ's finding that Respondent Manager Charlene Pack *only* approached employee Claudette Wilson in the parking lot on September 19, 2013, as factually incorrect. (ALJD P 4, L 19-20).

C. Exception is taken to the ALJ's failure to find that Respondent's Assistant Manager Edward Eberhart read the Respondent's alleged unlawful confidentiality policy to its employees at the group meeting on September 21, 2013. (ALJD P 4, L 33-40).

D. Exception is taken to the ALJ's failure to find that Respondent's Manager Charlene Pack heard all the cook employees getting loud at the group meeting on September 21, 2013. (ALJD P 5, L 1-2).

E. Exception is taken to the ALJ's failure to find Respondent's code of conduct rule prohibiting falsification, alteration, misrepresentation, or removal of company documents and/or records, or documents required by law, unlawful. (ALJD P 11, L 37-43).

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<sup>1</sup> References to the Administrative Law Judge are indicated by ALJ; to the Administrative Law Judge's Decision - ALJD; to the transcript - Tr; to General Counsel Exhibits - GC; to Respondent Exhibits - R; and to Charging Party Exhibits -U.

F. Exception is taken to the ALJ's failure to find Respondent's Confidentiality Rule unlawful. (ALJD P 13, L 6-14).

G. Exception is taken to the ALJ's failure to find Respondent's Manager Charlene Pack's statements to employees at the group meeting on September 21, 2013, that employees should not discuss company business with anyone outside the company, is unlawful. (ALJD P 13, L 29-33).

Counsel for the General Counsel respectfully requests that the Board grant the above Cross-Exceptions and modify the Administrative Law Judge's Decision accordingly.

Respectfully submitted this 7<sup>th</sup> day of November 2014.

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**Re: EYM KING OF MICHIGAN, LLC d/b/a BURGER KING  
Case 07-CA-118835**

**CERTIFICATE OF SERVICE**

I certify that on the 7<sup>th</sup> day of November 2014, I e-filed **COUNSEL FOR THE GENERAL COUNSEL'S CROSS-EXCEPTIONS TO ADMINISTRATIVE LAW JUDGE'S DECISION** and served a copy electronically on the following parties of record:  
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